

REMARKS

The Advisory Action of July 23, 2007, has been carefully studied. The claims in the application are now claims 1-14, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

New claim 12 and independent claims 13 and 14 have been added. Claims 1-14 remain in the application for consideration.

The Examiner has rejected claims 1-6, 8, 9 and 11 as being anticipated by Meade '767, claim 7 as being unpatentable over Meade in view of Rinfret '838, and claim 10 as being unpatentable over Meade in view of Rey '507. Applicant respectfully traverses all of these rejections as applied to the claims as amended and new independent claims 13-14.

As the Examiner will note, Applicant has amended independent claim 1 to more specifically set out the structural relationship and location of the claimed components comprising the claimed spray-drying device as related to the "top" and "bottom" of the claimed vertical drying chamber.

For example, amended claim 1 now provides that the tubular material feed (3) is partially coaxially located

within the tubular drying-gas feed (6) at a point where both an outlet end of the tubular material feed and the tubular drying-gas feed are coaxially located on the longitudinal axis at the top of the drying chamber. Claim 1 further provides that an outlet opening of the atomization element is provided below an outlet opening of the tubular drying-gas feed to facilitate the atomization of the material.

Clearly, the elements of Meade that the Examiner has deemed equivalent to those identified above are not structurally related to each other or located in the same manner set out in claim 1 as amended, especially with reference to the "top" and "bottom" of the vertical drying chamber as now claimed.

In addition, the Meade discharges 35, 44 and the filter means 61 identified as being equivalent to those claimed, are also not located in the manner claimed.

In paragraph [0007] and [0036] of the publication of the application US-2006/0143939 A1 (hereinafter '939), Applicant explains that the drying device according to the invention comprising a vertical drying chamber has the advantage of efficient use of the force of gravity to collect

spray-dried material and fine particles thus requiring no additional collection and/or conveyor means.

In comparison, Meade teaches additional collection and/or conveyor means in the form of a drying unit (31) of the fluid bed type. The presence of the unit (31) makes the Meade drying-device in comparison with the claimed invention much more complex.

A further important difference between the claimed invention and the Meade drying device is that the drying device according to the invention comprises fine-particle collection means (10) for separate collection of fine particles from the spray-dried material.

Applicant respectfully submits that claims 1-12 patentably define over Meade based on the above-identified structural differences.

Applicant has further included new independent claims 13 and 14, wherein in both the drying chamber (2) is claimed as "vertically extending". In Meade, the drying device comprises "the method making use of a horizontally extended chamber" (Col. 11, line 42). Accordingly, claims 13 and 14 are directly in contrast with the formulation in Meade. Claim 13 further provides for a "fine-particle collection compartment (10)" wherein paragraph [0009] of the publication

of the application serves as a basis for the compartment. Applicant respectfully submits that Meade does not provide for such compartment. Applicant has alternatively claimed this feature as being a filter chamber in new independent claim 14, wherein paragraphs 32 and 40 of the publication serves as a basis.

Applicant respectfully submits that claims 13 and 14 patentably define over Meade based on the structural differences identified above.

The Examiner has further provisionally rejected claims 1-11 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 17-32 of co-pending Application No. 10/512,552.

Applicant respectfully traverses this rejection as the two inventions are entirely unrelated. The claimed invention is directed to keeping fibers apart whereas '552 is directed to changing angles for spray drying nozzles.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are  
earnestly solicited.

Respectfully submitted,

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